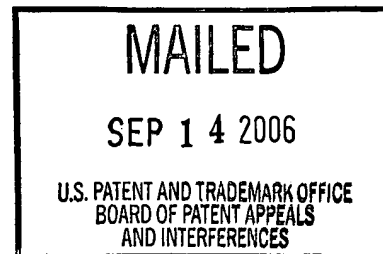


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: ROBERT E. SMITH, III

Application No. 10/679,908



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on September 2, 2006 . A review of the application has revealed that the application is not ready for review and consideration. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) dated April 7, 2005. There is no indication on the record that the above Information Disclosure Statements was considered by the examiner. A written communication notifying appellant of the Examiner's consideration is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) consideration and proper written response to the Information Disclosure Statement and April 7, 2005, is required; and
- 2) to notify appellants of such consideration;

BOARD OF PATENT APPEALS
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'Dale M. Shaw', is written over a horizontal line.

DALE M. SHAW
DÉPUTY CHIEF APPEAL ADMINISTRATOR
(571) 272-9797

DMS/dpv

Application No. 10/679,908

Wong, Cabello, Lutsch, Rutherford
and Brucculeri, LLP
20333 SH 249
Suite 600
Houston, Texas 77070